

## **REMARKS**

### **Status of case**

Claims 1-13 are pending.

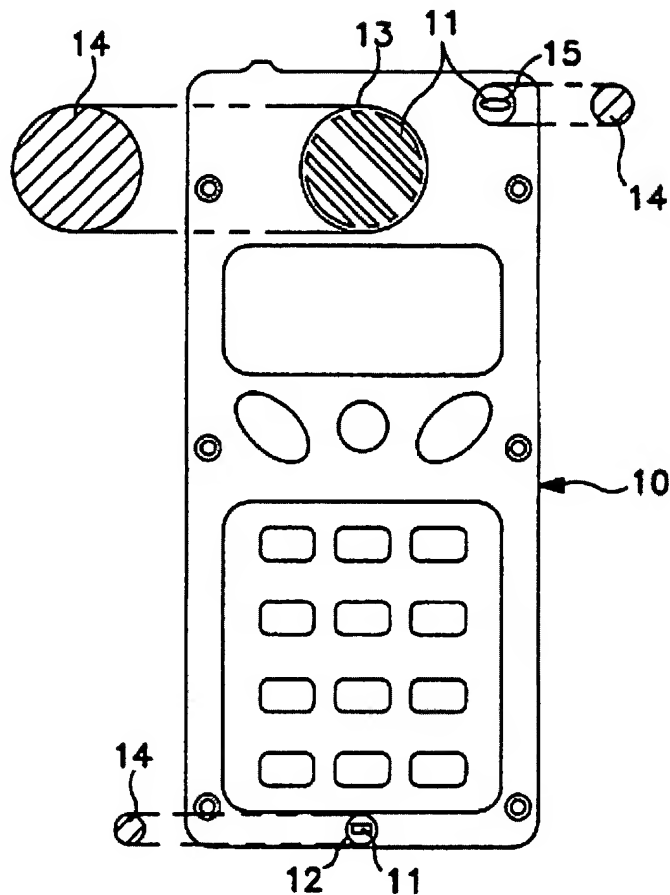
### **Rejection under 35 U.S.C. §§ 102, 103**

Claim 11 was rejected under 35 U.S.C. 102(b) as being anticipated by Ford (5664015). Claims 1-4 and 13 were rejected under 35 U.S.C. 103(a) as being unpatentable over Ford (5,664,015) in view of Banter (6,512,834). Claims 5, 6 and 9 were rejected under 35 U.S.C. 103(a) as being unpatentable over Ford (5,664,015) in view of Banter (6,512,834), and in further view of Hori (JP02002159082A). Claims 7, 8 and 12 were rejected under 35 U.S.C. 103(a) as being unpatentable over Ford (5,664,015) in view of Banter (6,512,834), and in further view of Butler (6,288,866). Claim 10 was rejected under 35 U.S.C. 103(a) as being unpatentable over Ford (5,664,015) in view of Banter (6,512,834), and in further view of Hori (JP02002159082A), and in further view of Butler (6,288,866).

The Ford reference discloses a cordless telephone with a speakerphone. The cordless telephone is designed to be water resistant so that it can be placed in a shower or bath. See abstract. The cordless telephone disclosed in Figure 1 of the Ford reference is reproduced below.



The Banter reference teaches a cover for an interior portion of a cellphone, radio, etc. Specifically, the Banter reference shows an exterior of a cellphone in Figure 1, and an interior portion of the cellphone in Figure 2, reproduced below:



**FIG. 2**

Thus, Figure 2 shows “an internal view of the cellular phone front housing cover of FIG. 1”. Col. 4, lines 58-59.

The Hori reference teaches a flat-type acoustic signal outputting device for aromatherapy. The Horie reference discloses a member 28 that includes a plurality of holes. The Butler reference discloses a head disk assembly and a vibration damping system. The vibration damping system is fixed adjacent the outer surface of the printed circuit board and includes an external planar member of compressible foam composition 30, and having upper and lower surfaces 32, 34. As shown in Figure 2, a fastener 43 is screwed in such that the compressible foam composition 30 presses against the printed circuit board 14.

In contrast to the cited references, one aspect of the invention comprises a method and apparatus for a waterproof patient handset. The speaker of the handset is contained within the enclosure of the patient handset, with the sound from the speaker emanating from holes in the enclosure. To waterproof the patient handset, “a foil placed on the enclosure over the holes”. Claim 1 (emphasis added); see also claims 9, 11, and 13. Because the foil is attached on the enclosure, liquids are less likely to enter the enclosure and the foil may act as a second membrane.

The cited references, either alone or in combination, do not render the claims unpatentable. The Ford reference teaches a water resistant cordless phone. As clearly taught by Ford, to prevent water from entering the phone, the speaker itself is used to seal the holes in the phone. Therefore, the Ford reference fails to teach, or even suggest any use of foil (or other material) to seal the holes in the enclosure because the speaker itself seals the holes. Applicants thus question the propriety of a rejection of claim 11 based on anticipation in that claim 11 recites “waterproofing means placed on the enclosure means, said waterproofing means acting as a second membrane for the audio means”. The Ford reference does not have a waterproofing means that is separate from the recited “audio means” of claim 11, does not have a waterproofing means that is “on” the enclosure means, and does not have a waterproofing means that acts as a second membrane for the audio means.

Further, Applicants question the combination of the Ford reference with the Banter reference in rejecting the remainder of the claims. As discussed above, the Ford reference seals the holes in the phone by abutting the speaker against the holes. Ford provides no teaching, or even a suggestion, to use another object, such as a foil, to seal the holes. In addition, since the Ford reference already teaches waterproofing with the speaker, there is no need to further waterproof the phone in the Ford reference, and therefore not motivation to combine the Ford reference with the Banter reference. Finally, even if it were proper to combine the Ford and Banter references, the combination would still not teach the claims as recited. The Banter reference only teaches providing a cover on the interior of the cellphone, and not on the enclosure as claimed. This is clearly shown in Figure 2 and associated text of the Banter reference. Therefore, claims 1, 9, 11, and 13 are patentable over the combination of the Ford and Banter references.

Applicants also question the rejection of claims 5, 6, and 9 based on the combination of the Ford, Banter, and Hori references. The Office Action acknowledges that the Ford and Banter references “fail to describe a protection plate comprising a plurality of holes that allow passage of sound, wherein said holes are offset from the holes in said enclosure.” Office Action at pg. 4. The Office Action further states that the Hori references merely teaches “a protective plate serving as a magnetic shield (28) comprising a plurality of holes (28A) that allows the passage of sound”. Office Action at pg. 5. Therefore, the Office Action acknowledges that none of the references teach a protection plate whose holes are offset from the holes in the enclosure. Yet, the Office Action still concludes, without any support, that “it would have been obvious to offset the plurality of holes in the protective plate from the enclosure to better protect the speaker from liquid intrusion.” Office Action at pg. 5. This reasoning is merely hindsight and completely unsupported by any teachings in the references. Therefore, Applicants respectfully request that the rejection of claims 5, 6, and 9 be withdrawn.

Moreover, Applicants question the rejection of claims 7, 8, and 12 based on the combination of the Ford, Banter, and Butler references. The Office Action states that the Butler reference teaches “a second cover (36) having a boss (42) inserted through a hole in a PCB (14) where said boss (42) having a deformable rib (32) deformed when said PCB (14) is pressed with the first cover against the rib.” Office Action at pg. 5. As discussed above, the Butler reference teaches a compressible foam composition 30, having upper and lower surfaces 32, 34. The foam composition includes no raised parts, so that the upper surface 32 is completely flat. This is clear in Figure 1, which shows that upper surface 32 includes no raisings whatsoever. In fact, the entire teaching of the Butler reference supports that the upper surface 32 of the compressible foam should be flat in order to better form with the printed circuit board 14 and reduce vibrations. Thus, contrary to the citation in the Office Action, the upper surface 32 of the compressible foam includes no ribs or any other nubs or raisings that is deformable. Therefore, Applicants respectfully request that the rejection of claims 7, 8, and 12 be withdrawn.

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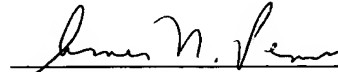
Response dated April 5, 2006

Response to Non-Final Office Action of January 5, 2006

### SUMMARY

Applicant respectfully requests early allowance of this application. The Examiner is invited to contact the undersigned attorneys for the Applicant via telephone if such communication would expedite this application.

Respectfully submitted,



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